

(b) *Actual equipment.* If MSHA so desires, parts of the devices that are used in the tests will be retained as records of the equipment submitted. If the device is approved, MSHA reserves the right to require the manufacturer to submit one, with the approval plate attached and without cost to MSHA, as a record of his commercial product.

§ 23.11 How approvals are granted.

All approvals are granted by official letter from MSHA. A device will be approved under this part only when the testing engineers have judged that it has met the requirements of the part and MSHA's records are complete, including drawings from the manufacturer that show the device as it is to be commercially made. Individual parts of devices will not be approved. No verbal reports of the investigation will be given and no informal approvals will be granted. As soon as the manufacturer has received the formal approval, he shall be free to advertise his device as permissible.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended by Supp. 1, 20 FR 2975, May 4, 1955]

§ 23.12 Wording, purpose, and use of approval plate.

(a) *Approval plate.* (1) Manufacturers shall attach, stamp, or mold an approval plate on each permissible device. The plate shall bear the emblem of the Mine Safety and Health Administration and be inscribed as follows:

Permissible Telephone (or Permissible Signaling Device) Approval No.———Issued to the _____ Company.

(2) When deemed necessary, an appropriate caution statement shall be added. The size and position of the approval plate shall be satisfactory to MSHA.

(b) *Purpose.* The approval plate is a label that identifies the device so that anyone can tell at a glance whether or not it is of the permissible type. By the plate, the manufacturer can point out that his device complies with MSHA's requirements and that it has been approved for use in gassy or dusty mines.

(c) *Use.* Permission to place MSHA's approval plate on his device obligates the manufacturer to maintain the

quality of his product and to see that each device is constructed according to the drawings that have been accepted by MSHA and are in MSHA's files. Devices exhibiting changes in design that have not been authorized are not permissible and must not bear MSHA's approval plate.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended at 43 FR 12315, Mar. 24, 1978]

§ 23.13 Withdrawal of approval.

MSHA reserves the right to rescind for cause at any time any approval granted under this part.

§ 23.14 Instructions for handling future changes in design.

All approvals are granted with the understanding that the manufacturer will make his device according to the drawings that he has submitted to MSHA and that have been considered and included in the approval. Therefore, before making any changes in the design he shall obtain MSHA's authorization of the change. The procedure is as follows:

(a) The manufacturer shall write to Approval and Certification Center, Box 201B, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059 requesting an extension of his original approval and stating the change or changes desired. With this request, he should submit a revised drawing or drawings showing the changes in detail, together with one of each of the parts affected.

(b) MSHA will consider the application and inspect the drawings and parts to determine whether it will be necessary to make any tests.

(c) If no tests are necessary, and the change meets the requirements, the applicant will be officially advised by MSHA that his original approval has been extended to include the change.

(d) If tests are judged necessary, the applicant will be advised of the material that will be required. In this case extension of approval will be granted upon satisfactory completion of the tests and full compliance with the requirements.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended by Supp. 1, 20 FR 2975, May 4, 1955; 43 FR 12315, Mar. 24, 1978; 52 FR 17514, May 8, 1987]